Problem on account of unsolicited calls

2486. SHRI R.K. ANAND:
SHRI K.B. KRISHNA MURTHY:
SHRI SANTOSH BAGRODIA:
DR. M.A.M. RAMASWAMY:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government are aware that telephone subscribers are facing problems on account of unsolicited calls being made for loans, credit cards, etc.;

(b) whether Government are bringing a legislation to stop such unsolicited calls to the telephone subscribers;

(c) if so, by when; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (DR. SHAKEEL AHMAD): (a) to (d) In this regard, a notice has been received from Hon'ble Supreme Court of India by Department of Telecommunications regarding a petition filed by Dr. Harsh Pathak.

Under the provisions of the 'Licence Agreement for provision of Cellular Mobile Telephone Service' and Rule 458 of ITR, 1951, it is evident that sufficient safeguard has been provided for the subscribers so that their information is not passed on by the Licenced Mobile Operators to the Tele Marketing Service Providers/Banks etc.

The relevant extracts of the 'Licence Agreement for provisions of Cellular Mobile Telephone Service' & Indian Telegraph Rule Pertaining to subscriber information and publication of Telephone Directory are given below:

(I) Extract of Licence Agreement for provision of Cellular Mobile Telephone Service

SCHEDULE-II, Part-II

18.1 Determination of TRAI with regard to publication of telephone service

directory containing information of subscribers of Cellular Mobile Telephone Service shall be applicable and binding.

29.3 The Licensee shall be responsive to the complaints lodged by his subscribers.

SCHEDULE-II, Part-V

31.5 Any dispute, with regard to the provision of SERVICE shall be a matter only between the aggrieved party and the LICENSEE, who shall duly notify this to all before providing the SERVICE. And in no case the LICENSOR shall bear any liability or responsibility in the matter.

SCHEDULE-II, Part-VI

42.2. Subject to conditions contained in these terms and conditions, the LICENSEE shall take all necessary steps to safeguard the privacy and confidentiality of any information about a third party and its business to whom it provides the SERVICE and from whom it has acquired such information by virtue of the SERVICE provided and shall use its best endeavours to secure that:

a) No person acting on behalf of the LICENSEE or the LICENSEE divulges or uses any such information except as may be necessary in the course of providing such SERVICE to the Third Party; and

(b) No such person seeks such information other than is necessary for the purpose of providing SERVICE to the Third Party.

Provided the above para shall not apply where:

(a) The information relates to a specific party and that party has consented in writing to such information being divulged or used, and such information is divulged or used in accordance with the terms of that consent; or

(b) The information is already open to the public and otherwise known.

42.3 The LICENSEE shall take necessary steps to ensure that the LICENSEE and any person(s) acting on its behalf observe confidentiality of customer information.

(II) Rule 458 of Indian Telegraph Rules, 1951

Except with permission of the Telegraph Authority no person shall publish any list of telephone subscribers.